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# **Disproportionality in Education, HEA 1419, and the IDOE Evidence-based Plan to Improve Discipline and Behavior in Schools**

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# Part One:

## Disproportionality in Education

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Disproportionality or disproportionate representation “refers to the situation in which members of a particular race or ethnic group in the United States are represented at a percentage higher (over representation) or lower (under representation) than the percentage of the general public that the particular race or ethnic group comprises”.

IC 4-23-30.2-3

Indiana Commission on Disproportionality 2009



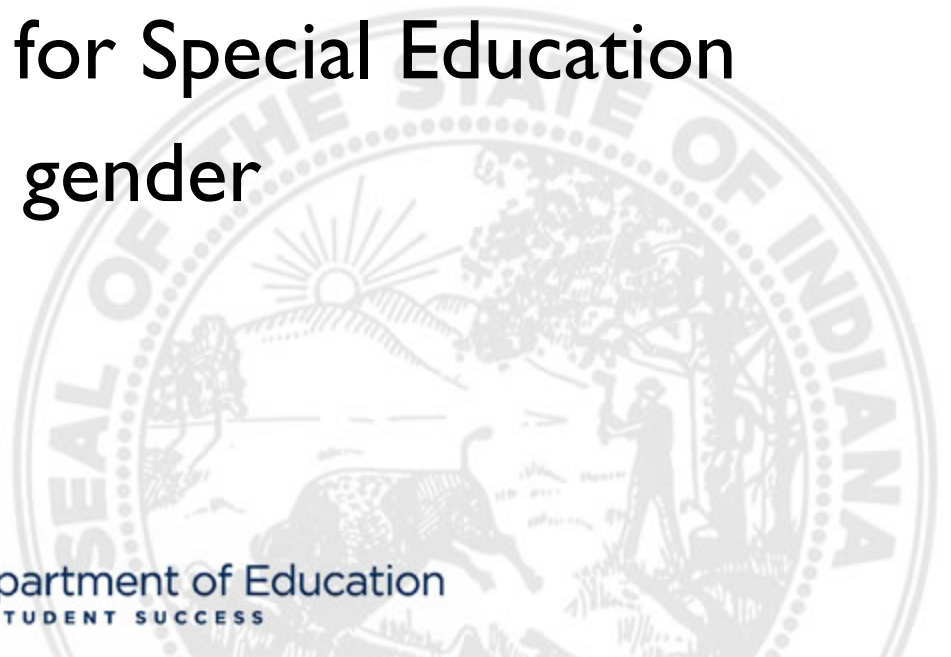
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# Populations to consider for Disproportionality may include:

- Minority Groups - Race & Ethnicity
- Homeless students or students who qualify for F/R Lunch - Socioeconomic Status
- Students who qualify for Special Education
- Students of a specific gender
- Foster children



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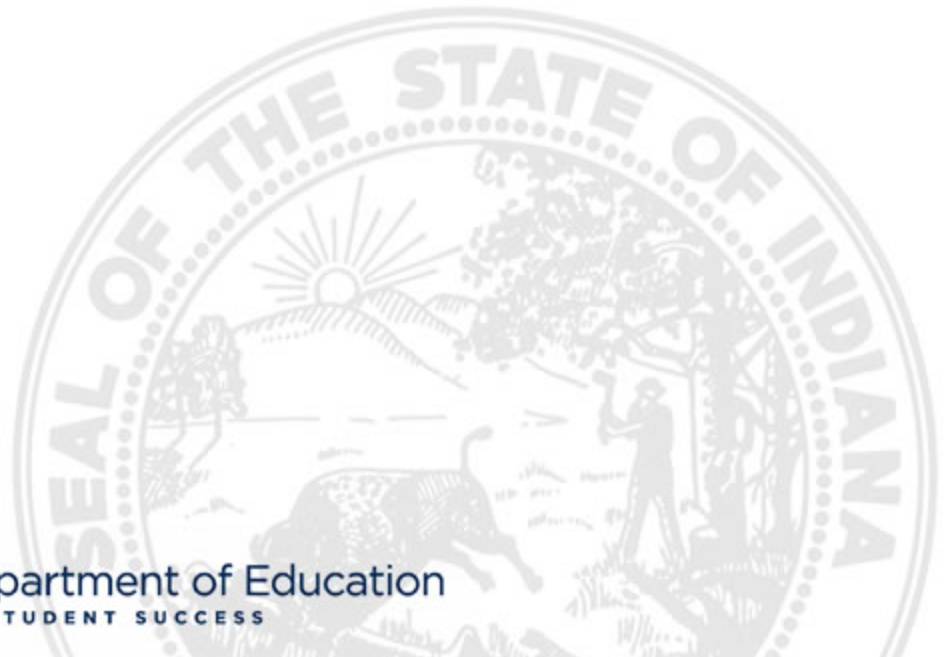


# Disproportionality may be evident in:

- Discipline data:
  - Overall #'s
  - ISS vs. OSS
- Special Education:
  - referrals
  - those identified
  - disability category
- Alternative programs
- High ability programs



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# Indiana Disproportionality Committee

- **Vision:** Children of ALL races and ethnicities are equitably served by Indiana's child welfare, education, juvenile justice and mental health systems.
- **Mission:** Create equality within the child welfare, education, juvenile justice and mental health systems and equalize the proportion of children of color in the child welfare, education, juvenile justice and mental health systems with their percentage of the overall population
- **Goal:** By the end of 2007 Indiana will have developed, communicated, and initiated the implementation of a written, sustainable plan to reduce disproportional representation and disparities in outcomes for children within the child welfare, education, juvenile justice and mental health systems.



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# Commission on Disproportionality in Youth Services

- IDC worked with Indiana's Legislative Service Agency to draft a bill to establish the Commission on Disproportionality in Youth Services
- P.L. 234- 2007  
Chaired by Dr. Patchner, Dean of IU School of Social Work
- Triggered other legislation impacting disproportionality – including HEA 1419.



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# Disproportionality in Indiana: Commission Findings

- Education: African American students are 4 times more likely than white students to be suspended out of school and over 3 times more likely to be expelled.
- Juvenile Justice: while African American youth represent only 10% of juveniles in Indiana, they comprise 39% of the youth in Indiana correctional facilities.
- Mental Health: African American youth, particularly males, are more likely to be referred to the juvenile justice system rather than the mental health system

Commission on Disproportionality 2009



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# Definition of Discipline

1. To educate; to develop by instruction and exercise; to train. [1913 Webster]

Significantly the traditional practice of enforcing discipline in schools is to separate students from instruction.



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# Disproportionality and Discipline

- No evidence indicates that African American students are more disruptive than other students in school, yet African American males receive disciplinary action more often than males and females of any race.
- R. Skiba, R. S. Michael, & A.C. Nardo, “The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment”, University of Nebraska-Lincoln, June 2000



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# Behaviors for which Students are referred: By Race

*Of 32 infractions, only 8 significant differences:*

White students  
referred more for:

- Smoking
- Vandalism
- Leaving w/o permission
- Obscene language

Black students  
referred more for:

Disrespect  
Excessive noise  
Threat  
Loitering

\* No differences at office level (Skiba et al., 2002)



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# Outcomes of Exclusionary Discipline

- 30-50% of students suspended are repeat offenders –  
“suspension functions as a reinforcer... rather than as a punisher” (Tobin, Sugai & Colvin, 1996)
- Use of suspension correlates with
  - school dropout (Raffaele-Mendez; Ekstrom, 1986)
  - juvenile incarceration (state level) (Skiba et al)



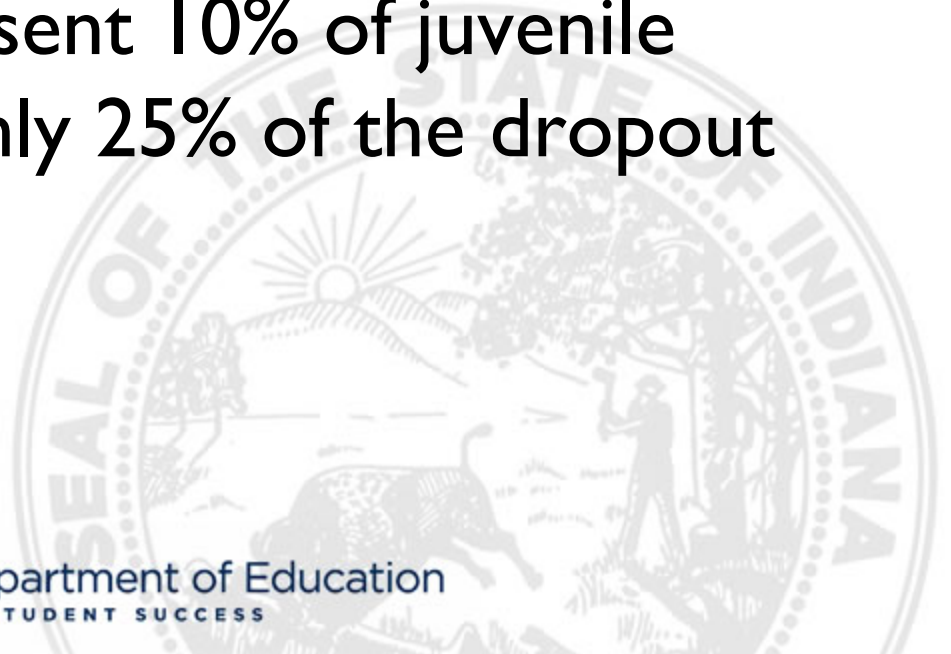
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# School Dropout by Race 2008-2009

- During the 2008/9 school year 3,954 white, 1,065 black, and 412 Hispanic students dropped out of school in Indiana –
- Black students represent 10% of juvenile population and roughly 25% of the dropout population.



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# Discipline Data

- In the most recent national ranking, Indiana was ranked 1<sup>st</sup> in expulsions and 9<sup>th</sup> in suspensions in 2003 (NCES,2003)
- We are not aware of any replication of this study since 2003.
- What we do know is that numbers in Indiana have remained somewhat consistent...



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# Indiana Suspension and Expulsion Data

|     | 05/06   | 06/07   | 07/08   | 08/09   |
|-----|---------|---------|---------|---------|
| ISS | 165,856 | 178,383 | 164,590 | 145,901 |
| OSS | 142,466 | 153,785 | 152,590 | 152,702 |
| EXP | 6,656   | 6,026   | 6,026   | 5,381   |

Enrollment has remained steady at approximately 1,046,000 students for the past 4 years.



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# 2008-2009 Indiana Suspension Data: Disaggregated by Race

**145,901** in-school suspensions  
88,251 white approx. 60%  
57,650 non-white approx. 40%

**152,702** out-of-school suspensions  
73,629 white approx. 49%  
79,073 non-white approx. 51%

**298,603** Total suspensions

(Skiba reports non-whites make up approx. 10% juvenile population in Indiana)

\*Non-white students are disciplined disproportionately in Indiana.



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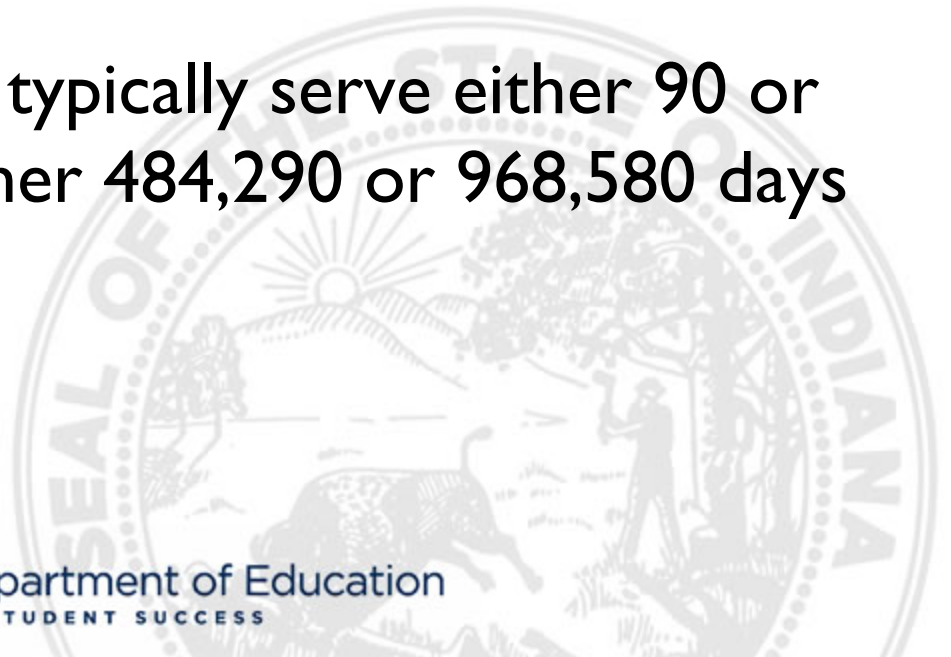


# Total Number of Days in 2008-2009 School Year Lost to Education in Indiana

- 152,702 out-of-school suspensions (which may range from 1- 10 days) would mean a range of 152,702 – 1,527,020 days lost to instruction
- 5,381 expulsions – which typically serve either 90 or 180 days would mean either 484,290 or 968,580 days lost to instruction.



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# Actual School District Profiles 2008-2009

## “A” School Corporation:

Enrollment : 22,527

75% white    15% non-white

## Duplicated Discipline Data by race:

OSS 5,092 (2,688 white) (2,404 non-white)

Of these 1,810 special education



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# Actual School District Profiles 2008-2009

## “B” Community School Corporation

Student enrollment 21,570

40% white 60% non-white

Duplicated Discipline Data:

ISS: 6,176 (1,275 white) (4,901 non-white)

OSS: 7,473 (1,493 white) (5,980 non-white)

OSS: 2,445 of 7,473 special education



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# School District Profiles

## 2008-2009

### “C” Community Schools:

Enrollment: 31,549

53% white, 47% non-white

Duplicated Discipline Data:

ISS: 17,145 (6,280 white) (10,865 non-white)

OSS: 9,048 (3,377 white) ( 5,671 non-white)

OSS Special Education: 3,010



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# Discipline by Socio-economic Status

- 2008-2009

|            | FREE  | REDUCED | PAID  | NO F/R STATUS | TOTAL  |
|------------|-------|---------|-------|---------------|--------|
| Expulsion: | 2668  | 382     | 1891  | 440           | 5381   |
| IS Susp:   | 79141 | 13133   | 50912 | 2715          | 145901 |
| OS Susp:   | 91665 | 12600   | 44295 | 4142          | 152702 |

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|         |        |       |       |      |        |
|---------|--------|-------|-------|------|--------|
| Totals: | 173474 | 26115 | 97098 | 7297 | 303984 |
|---------|--------|-------|-------|------|--------|

Students receiving F/R lunch comprise **42%** of the public student population

F/R lunch students receive **68%** of exclusionary discipline compared to **32%** of paid/non-eligible students receiving exclusionary discipline.



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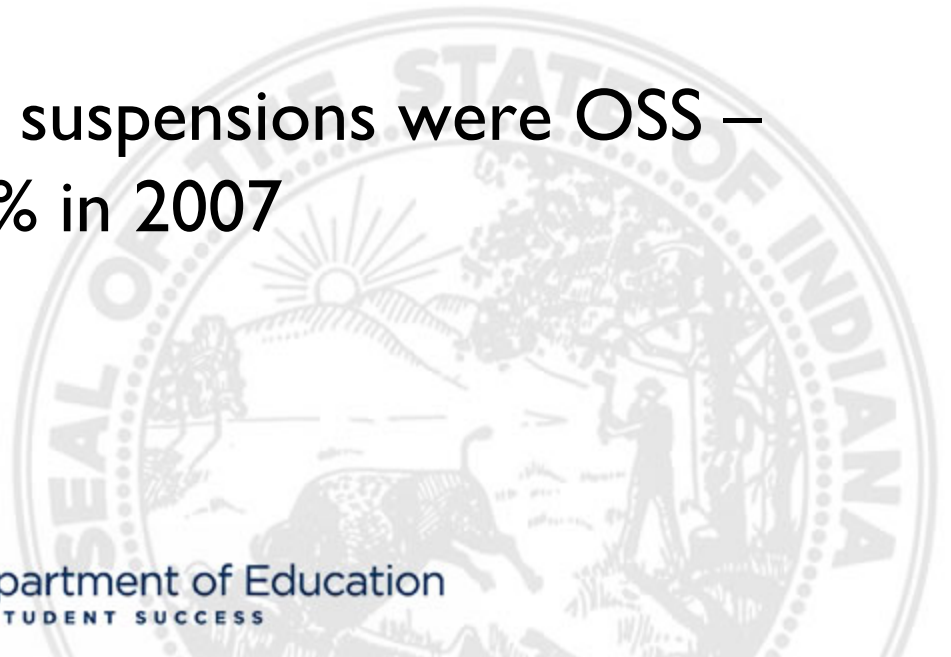
# Homeless Students

## 2009 Data

- Suspension/expulsion rate (1½ times higher than state average)
- 26% suspension rate is nearly double the state average of 14%
- 61% of homeless student suspensions were OSS – up from 55% in 2008, 54% in 2007



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# Discipline of Students with Disabilities

- Most studies find that students with disabilities typically represent 11%-14% of the total school population, but represent between 20% and 24% of the suspended and expelled population.

CEEP Equity Project.

Education Policy Brief Volume 4, Number 10 Fall 2006



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# Disciplinary Equity by Disability Category

- Students identified with an emotional disability (ED) are at high risk to be referred to the office, suspended or expelled.
- National study on ED found that 47% of elementary/middle school, and 72.9% of high school students with ED reported being suspended or expelled.

“Discipline, Disability, and Race: Disproportionality in Indiana Schools”

Rausch & Skiba 2006

# Indiana Disciplinary Equity for Students with a Disability, 2008-2009

Students with IEP-172,245 (**17%** of total students)

Suspension of students with an IEP:

In-school: 36,379

Out-of-school: 44,221

Total IEP suspensions 80,600

Total student suspensions **298,603**

IEP suspensions = **27%** total suspensions



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# Disciplinary Equity by Race for Students with a Disability

- All studies have shown that Black students with a disability are more likely to be suspended or expelled when compared to other students with a disability.
- Black students with a disability more likely to receive office referrals, corporal punishment, and out-of-school suspensions, and less likely to receive milder consequences when compared to other students with a disability  
McFadden et al (1992)
- In an Indiana state report Black students made up 12% of the special education population, but accounted for 22% of students receiving at least one of the special disciplinary provisions stipulated by IDEA  
(End Notes p.11) Skiba et al. (2001)



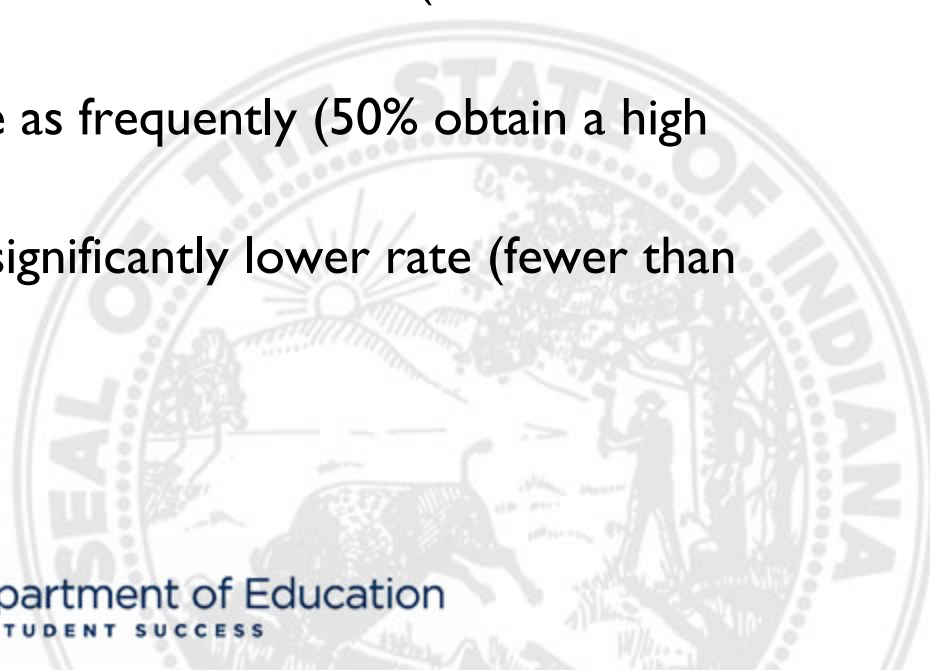
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# Foster Care Students

- Have significantly higher rates of absenteeism and disciplinary referrals than their peers
- • Are more likely to perform below grade level (75% perform below grade level)
- • Are about twice as likely to be held back in school (83% are held back by third grade)
- • Drop out of school nearly twice as frequently (50% obtain a high school diploma/GED)
- • Attend a four-year college at a significantly lower rate (fewer than 3% do so)



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# Disproportionality by Gender

Indiana data for 2007-2008 and 2008-2009  
indicates that more than twice as many  
suspensions were issued to boys as opposed to  
girls:

## 2007-2008:

|                |         |        |
|----------------|---------|--------|
| IS Suspensions | 111,888 | 52,662 |
| OS Suspensions | 108,782 | 43,790 |

## 2008-2009:

|                |         |        |
|----------------|---------|--------|
| IS Suspensions | 100,022 | 45,836 |
| OS Suspensions | 108,550 | 44,119 |



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# Discipline Data Analysis

**In school district profiles** look at:

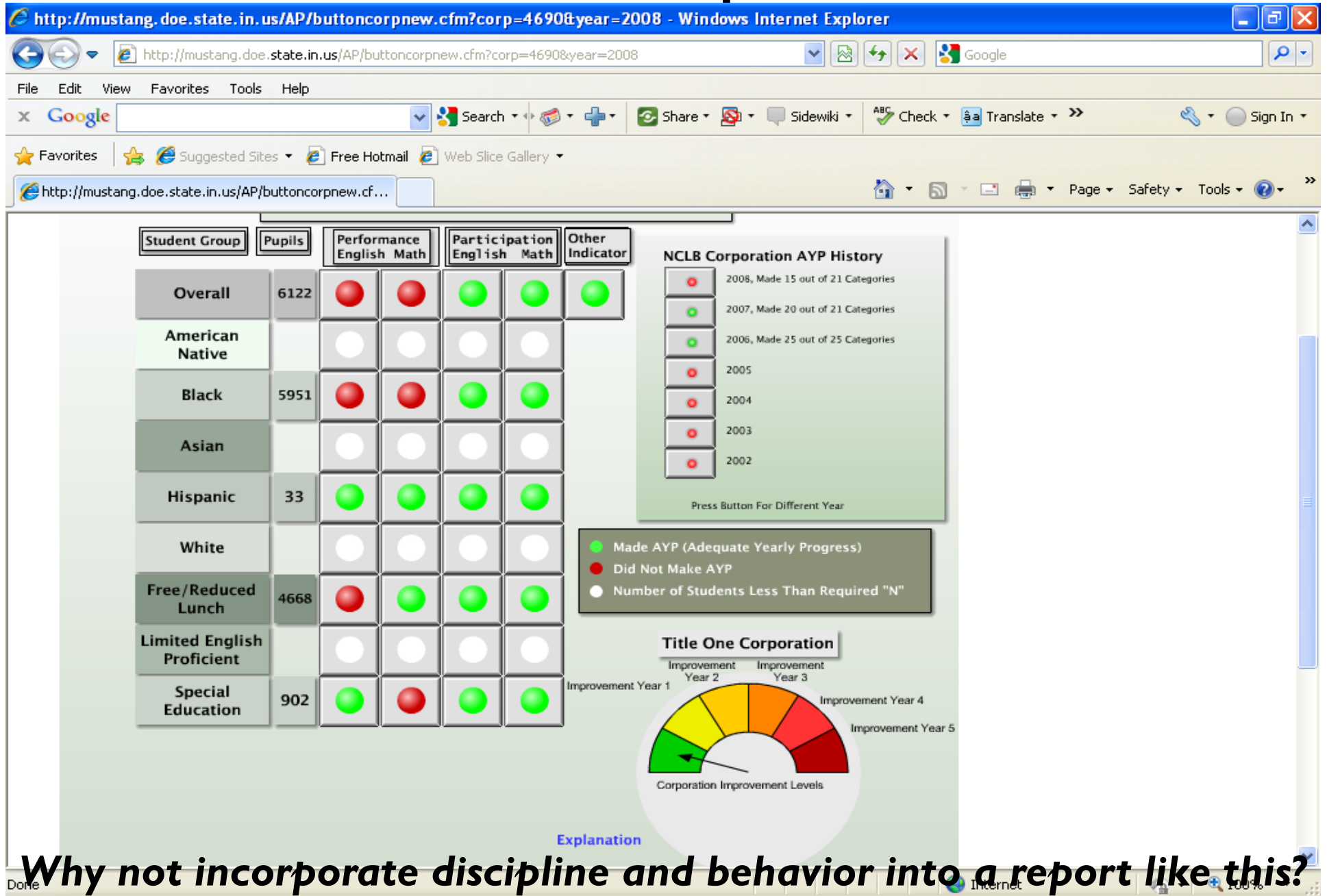
- Total population
- # of suspensions compared to total population
- Racial/socio-economic/IEP profile of school district
- Racial/socio-economic/IEP balance of suspensions

**In school building profiles** also look at office referrals for:

- nature of infraction, where infraction happened, who referred, student profile..

*What other data would you need to analyze to measure the impact of exclusion?*

# AYP Report



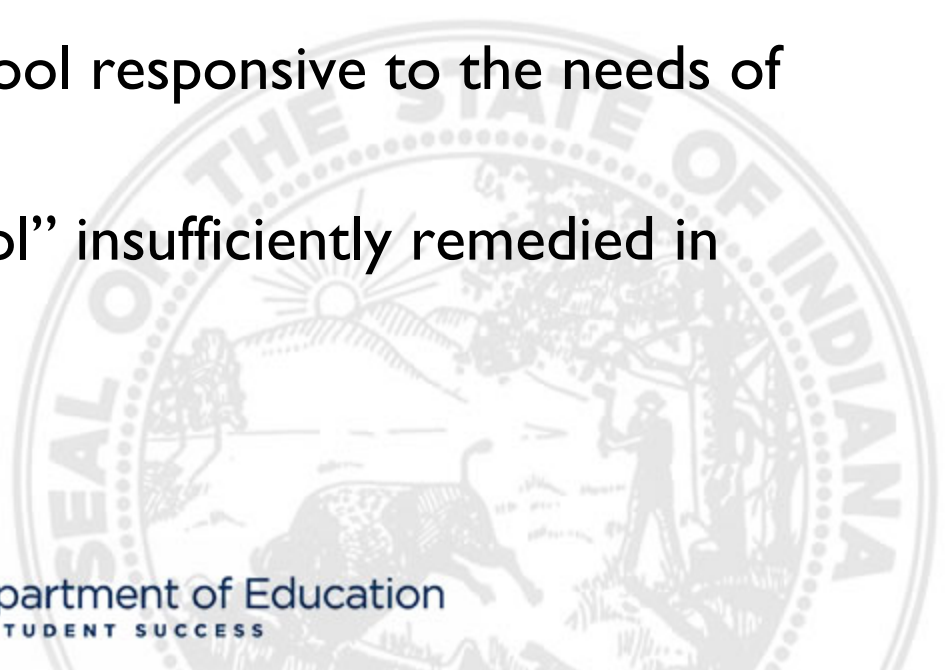


# Possible Explanations

- Lack of alternatives to suspension/expulsion?
- Lack of school-wide behavioral instruction?
- Lack of cultural competency training for school personnel?
- Lack of appropriate differentiated instruction?
- Culture / climate of the school responsive to the needs of the students?
- Lack of “readiness for school” insufficiently remedied in the early grades?
- Other?



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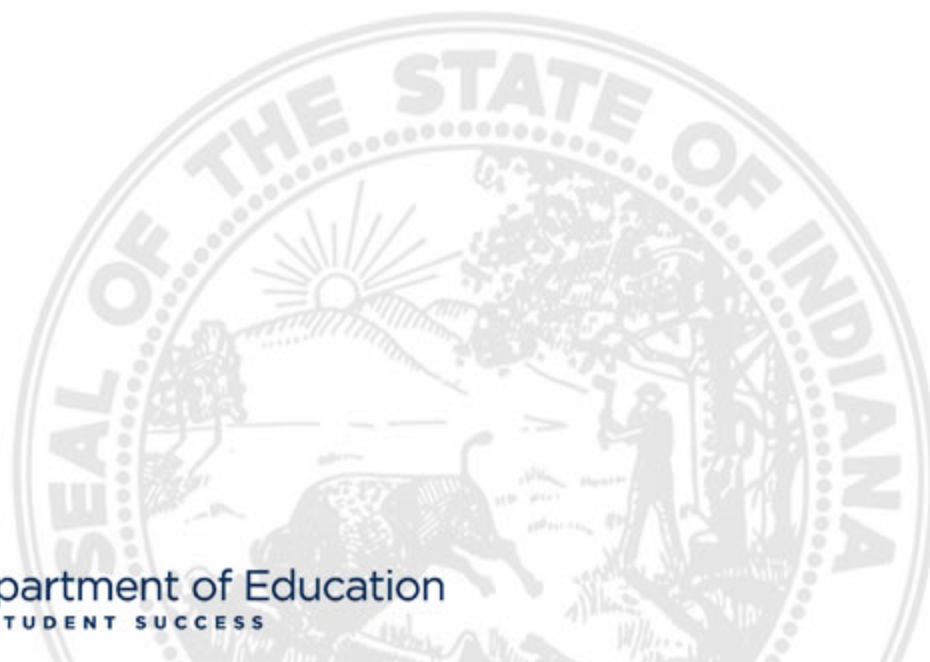


# The Evidence Suggests that Changes Need to Take Place to Address this Problem at the:

- School community/school district/ school building level
- Individual/group targeted level
- Individual/ intensive level



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# Responsibilities

- What is the responsibility of the school/district when data indicates a disproportionate representation of a population (race/socio-economic status/gender) receiving disciplinary exclusion?
- What is the responsibility of the School Improvement Team with regard to disproportionality?
- What is the responsibility of the RTI Core Team or Case Conference Committee when a student is experiencing behavioral problems?



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# A Beginning to the Solution?

- HEA 1419 and the development and implementation of school corporation evidence-based plans to improve behavior and discipline in schools.

Link to \_\_\_\_\_ for  
an explanation of the IDOE Evidence-based  
Plan for Improving Discipline and Behavior.



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# Contacts

- Questions regarding the HEA 1419 legislation, and/or the IDOE Evidence-based Plan for Improving Discipline and Behavior may be addressed to :
- Gary Green, Director of Student Services  
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